

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

	X	
ABU DHABI COMMERCIAL BANK, et al.,	:	Civil Action No. 1:08-cv-07508
Individually and On Behalf of All Others	:	
Similarly Situated,	:	<u>CLASS ACTION</u>
	:	
Plaintiffs,	:	NOTICE OF PLAINTIFFS' MOTION FOR
	:	LEAVE TO FILE AN AMENDED
vs.	:	COMPLAINT
	:	
MORGAN STANLEY & CO.	:	
INCORPORATED, et al.,	:	
	:	
Defendants.	:	
	:	
	X	

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

PLEASE TAKE NOTICE that upon the filing of the Memorandum of Law in Support of Plaintiffs' Motion for Leave to File an Amended Complaint and exhibits thereto, and such other evidence and argument as the Court may consider, plaintiffs, by and through their undersigned attorney, will move before the Honorable Shira A. Scheindlin, United States District Judge at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 15C, New York, New York 10007, for an order granting plaintiffs leave to file an amended complaint pursuant to Federal Rules of Civil Procedure 15, 20 and 21.

This Motion is made on the following grounds:

1. It would be in the interest of justice to grant plaintiffs leave to file an amended complaint.
2. Plaintiffs have not unduly delayed in seeking to amend the complaint, or exhibited bad faith or dilatory motive.
3. Leave to amend the complaint will not substantially prejudice defendants.
4. Amendment would not be futile.
5. The common law fraud and aiding and abetting claims asserted on behalf of the new plaintiffs arise out of the same transactions and occurrences as those already pled in the complaint, and questions of law and fact are common to the new plaintiffs and the existing plaintiffs.

DATED: January 10, 2011

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CERTIFICATE OF SERVICE

I hereby certify that on January 10, 2011, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on January 10, 2011.

s/ Samuel H. Rudman

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